IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 13279 of 2004

Between:

Mir Ahmed Arif, S/o. Syed Hussain Jouqui,
R/o. Jadcherla, Mahabubnagar District.

..... PETITIONER

AND

1 State of Andhra Pradesh, Rep. by its Secretary, Public Works Department at Secretariat, Hyderabad.
2 The Superintending Engineer, R & B, N H Circle, Hyderabad.
3 The Executive Engineer, R & B, N H Division 2, Hyderabad.
4 The Executive Engineer, R & B Division, Mahabubnagar.
5 The Revenue Divisional Officer cum Land Acquisition Officer, Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ in the nature of Writ of Mandamus or any other appropriate Writ or Writs, order or Direction, declaring the action of the Respondents in depriving the petitioner's property to the extent of Ac.4.32 gts in petitioner's property to the extent of Ac.4.32 gts in Sy.No.293 of Jadcerla in Mahabubnagar District, as otherwise than in due process of law, as illegal and arbitrary and to consequently direct the Respondents to forthwith initiate proceedings under the provisions of Land Acquisition At in respect of the above said land and to pay due compensation to the petitioner immediately' Award costs.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent Nos.1 to 5: GP FOR ROADS & BUILDINGS

The Court made the following:

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ORDER:

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The petitioner is the owner of a land situated in Survey No.293 of Jadcherla village of Mahabubnagar District. He contends that Ac.0.30 guntas, situated in Survey No.293, was included for the purpose of laying road of National High Way, Division No.2, and an extent of Ac.0.22 guntas, situated in the same survey number, was included for the purpose of laying road of the State highway, leading from Mahabubnar to Nalgonda.

2. The petitioner submitted that on 06.12.2003 the 3rd respondent addressed a letter to the 5th respondent requesting him to take steps for acquisition of Ac.0.30 guntas of land of the petitioner, and the 4th respondent also addressed a letter to the 3rd respondent on 29.01.2004 requesting him to take steps for acquisition of Ac.0.22 guntas of land of the petitioner as per law.

3. The grievance of the petitioner is that till now the 5th respondent did not take any steps to issue Land Acquisition Notification in this regard. He, therefore, approached this Court, seeking a direction to the 5th respondent to initiate land acquisition proceedings in respect of the above lands and pay compensation to the petitioner according to law.

4. The respondents did not file any counter.

5. In the light of the circumstances, explained by the petitioner, the 5th respondent is directed to take necessary steps, in pursuance of the letters of the 3rd and 4th respondents dated 06.12.2003 and 29.01.2004 respectively, within a period of two months from the date of receipt of a copy of this order and intimate the same to the petitioner.

6. The Writ Petition is, accordingly, disposed of. No order as to costs.

Note:

Issue CC in three days.

B/o.

dsr/svs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1.The Secretary,

Public Works Department, Secretariat,

Government of Andhra Pradesh, Hyderabad

2. The Superintending Engineer, R & B,

N.H.Circle, Hyderabad

3. The Executive Engineer, R & B,

N.H.Division-2, Hyderabad

3. The Executive Engineer, R & B Division

Mahabubnagar

5. The Revenue Divisional Officer-cum-

Land Acquisition Officer, Mahabubnagar

6. Two CCs to the Government Pleader for Roads & Buildings,

High Court Buildings, Hyderabad (OUT)

7. Two CD copies.